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09/575,858	05/19/2000	Yoshinori Shimizu	450100-02472	1668

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NEW YORK, NY 10151

EXAMINER
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VENT, JAMIE J

ART UNIT	PAPER NUMBER
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2621

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03/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/575,858	<b>Applicant(s)</b> SHIMIZU, YOSHINORI	
	<b>Examiner</b> JAMIE JO VENT	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-7 and 9-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7,9-15,18-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer et al (US 6,934,964) in view of Toriumi (US 6,062,868) in further view of Kikuchi et al (US 6,553,180).

#### **[claim 1]**

In regard to Claim 1, Schaffer et al discloses a reproducing apparatus and method for receiving contents data and index pictures corresponding thereto from a record medium or transmission (Figure 4) comprising:

- Contents data receiving means for receiving contents data recorded on different record media, said different record media including a plurality of optical media (Figure 4 and described in Column 9 Lines 40+ are the contents being received into the system);
- Index picture generating means for retrieving a picture frame from the contents data to a uniform picture size (Figure 12 shows the

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index generating means for live thumbnails of video content as described in Column 13 Lines.52+);

- selecting contents data with the displayed index pictures (Column 13 Lines 52+ through Column 14 Lines 1-25 describes the selecting of the contents);
- Picture processing means for processing the first index picture data that is read from said first storage means (Figure 13 shows the image processing means to display video or thumbnails from the storage means as described in Column 14 Lines 1-15);
- Second storing means for storing second index picture data that is formed by said picture processing means and for outputting picture data to be displayed (Figure 4 shows a HDD and a memory card or disk that provides storage of data); and
- Wherein index picture generated from different contents data which have different respective formats and are received from different record media respectively can be displayed together in respective picture frames having the same picture size a(Column 14 Lines 1-25 describes the various formats that can be used for generation of index picture);
- Wherein record media information which represents the record media type including the optical media type is also displayed corresponding to index pictures retrieved from respective record media (Figure 4 shows the use of recording medium);however, lacks the recorded medium information is also displayed corresponding to index pictures and that an index picture corresponds to a television system of the record medium so that the index pictures generated from contents data having different television systems have the same picture size and wherein displaying positions

of a plurality of index pictures can be varied without deterioration of picture quality.

Toriumi discloses a data transmitting system wherein recorded information is displayed. The information includes video, audio, and still pictures that are displayed to the user as shown in Figure 4. The use of showing still picture information with audio data further allows identification of the data file. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording apparatus with still picture processing system, as disclosed by Schaffer et al, and further incorporate the transmitting of data corresponding to the index picture, as disclosed by Toriumi.

Schaffer et al in view of Torimi discloses a reproducing apparatus containing index pictures; however, fails to disclose the displaying positions of index pictures that are varied without deterioration of the picture quality. Kikuchi et al discloses the use of index pictures wherein display positions are varied from index picture to index picture (Column 40 Lines 10-27) as they are displayed on the TV. The displaying positions are calculated so the index pictures do not overlap one another and thereby prevent the index picture to be displayed without deterioration (Column 62 Lines 12-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording apparatus with still picture processing system, as disclosed by Schaffer et al in view of Kikuchi et al, and further incorporate the displaying of various positions of the index picture to prevent deterioration of the picture quality, as taught by Kikuchi et al, to provide the user with a system having high quality images..

#### **[claim 2]**

In regard to Claim 2, Schaffer et al discloses a reproducing apparatus and method wherein the picture processing comprises:

- converts the component format of the first index picture data(Column 13 Lines 34+ describes the converting of the image into a thumbnail);

- Mono-chrome data generating source and adds mono-chrome data generated by the mono-chrome data generating source to the picture frame of the first index picture data in a frame shape and adds the mono-chrome data to the picture frame of the first index picture data so that pictures of different picture frame sizes are converted into pictures of the same picture size (Column 14 Lines 15+ describes the changing of the index picture to add or resize the thumbnail for proper displaying and processing); and • Enlargers or reduces the picture frame size of the first index picture data so that pictures of different picture frame sizes are converted into pictures of the same picture frame size (Column 13 Lines 12+ describes the changing of the index picture to add or resize the thumbnail for proper displaying and processing).

**[claim 3]**

In regard to Claim 3, the claim limitations are recited in Claim 2.

**[claim 4]**

In regard to Claim 4, the claim limitations are recited in Claim 2.

**[claim 5]**

In regard to Claim 5, the claim limitations are recited in Claim 2.

**[claim 6]**

In regard to Claim 6, the claim limitations are recited in Claim 2.

**[claim 7]**

In regard to Claim 7, Schaffer et al discloses a reproducing apparatus and method wherein the first index picture data and second index picture are composed of first field and second, field and the second index picture data is written to said second storing means, data of one of the first field and the second field that is not being displayed is written (Column 14 lines 1+ discuss how a first index picture data and

second index picture are composed of the first and second field and the are stored as seen in Figure 12 and only the first picture images are displayed).

**[claim 9]**

In regard to Claim 9, the claim limitations are recited in Claim 1.

**[claim 10]**

In regard to Claim 10, the claim limitations are recited in Claim 2.

**[claim 11]**

In regard to Claim 11, the claim limitations are recited in Claim 2.

**[claim 12]**

In regard to Claim 12, the claim limitations are recited in Claim 2.

**[claim 13]**

In regard to Claim 13, the claim limitations are recited in Claim 2.

**[claim 14]**

In regard to Claim 14, the claim limitations are recited in Claim 2.

**[claim 15]**

In regard to Claim 15, the claim limitations are recited in Claim 7.

**[claim 18]**

In regard to Claim 18, Schaffer et al discloses a reproducing apparatus; however, fails to disclose a user selects an index pictures, contents data corresponding to the selected index picture are reproduced and displayed. Toriumi discloses a system wherein data and index pictures are reproduced and displayed as the user selects the information as seen in Figure 6. The use of selection of the data through the still picture

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information allows the use an alternate method of selecting appropriate data files. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the reproducing apparatus, as disclosed by Schaffer et al and further incorporate a system wherein the user selects the information from the use of still images as disclosed by Toriumi.

**[claim 19]**

In regard to Claim 19, the claim limitations are recited in Claim 18.

4. Claims 16, 17, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer et al (US 6,934,964) in view of Toriumi (US 6,062,868) in further view of Kikuchi et al (US 6,553,180) in further view of Yamamoto (US 6,904,227).

**[claim 16]**

In regard to Claim 16, Schaffer et al in view of Toriumi discloses the recording apparatus output to a display, as seen in Figure 4; however, fails to disclose that the type of output to be selected is either NTSC or PAL. Yamamoto et al discloses an image data decoding method that compares information for display depending on resolution to be displayed. The information to be displayed has various display modes that can be selected, such as NTSC/PAL as disclosed in Column 8 Lines 58+.

Therefore, it would be obvious to one of ordinary skill in the art to use the reproducing apparatus that generates index pictures for displaying and reproducing, as disclosed by Schaffer et al in view of Toriumi, and incorporate an output type of NTSC or PAL depending on the display apparatus, as disclosed by Yamamoto et al, which will allow for a better processing of the display of the index picture on the display.

**[claim 17]**

In regard to Claim 17, the claim limitations are recited in Claim 16.



**[claim 20]**

In regard to Claim 20, Schaffer et al in view of Toriumi discloses the different optical media types; however, fails to disclose a DVD video disk, a video CD, a CD-Rom, and a CD extra disc. Yamamoto et al discloses different contents of data is recorded and processed from an optical as seen in Figure 6. The use of various recording mediums allows for various content data to allow for various content data to be processed and recorded. Therefore, it would be obvious to one of ordinary skill in the art to use the video apparatus system, as disclosed by Schaffer et al in view of Toriumi, and further incorporate the use of optical disks, as described by Yomamoto et al.

**[claim 21]**

In regard to Claim 21, the claim limitations are recited in Claim 20.

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Fax Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE JO VENT whose telephone number is (571)272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J. J. V./

Examiner, Art Unit 2621

/John W. Miller/

Supervisory Patent Examiner, Art Unit 2623

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